

AN ORDINANCE BY
COUNCIL MEMBER HOWARD SHOOK

Howard Shook

04- ○ -0753

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LENOX COURT HOMEOWNER'S ASSOCIATION, INC. PROVIDING FOR THE NON-STANDARD LOCATION OF WATER METERS ON PRIVATE PROPERTY LOCATED IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA, TO WHICH THE CITY PROVIDES WATER SERVICES; WAIVING THE REQUIREMENT THAT THE CITY SHALL INSTALL THE WATER METER, AND AUTHORIZING LENOX COURT HOMEOWNER'S ASSOCIATION, INC. TO INSTAL THE WATER METERS; AND FOR OTHER PURPOSES.

WHEREAS, Lenox Court Home Owner's Association, Inc. ("Lenox Court") wishes to convert its potable water service to be converted from a single meter to individual meters to allow individual home owner's to be billed directly; and

WHEREAS, the single-family homes in the subdivision are served with potable water from the City; and

WHEREAS, The City typically requires that water meters be located at the "service connection" location either on City property, in the right-of-way or within an easement or license granted to the City; and

WHEREAS, Section 154-116 of the City's Code of Ordinances regarding the City's water system provides that, upon request, individual meters can be located on private property if the certain conditions as outlined in the Section can be met; and

WHEREAS, Lenox Court proposes to locate seven (7) water meters at locations different than the service connection location, to allow each meter to be located on private property on an individual lot in the Subdivision; and

WHEREAS, the Commissioner of the City's Department of Watershed Management, after determining that the City's right of way is not suitable for installation of the water meters, has reviewed the request submitted by Lenox Court for the installation of individual water meters within the Subdivision and has approved the request as conditioned upon compliance with the requirements of Paragraph (5) of Section 154-116 for installation of individual water meters on private property; and

WHEREAS, Lenox Court has, accordingly, agreed to meet the conditions required by 154-116 of the City's Code of Ordinances; and

WHEREAS, Lenox Court has requested a waiver from the conditions required by 154-116 which states that the City shall install water meters; and

WHEREAS, the City is willing to permit Lenox Court to install the water meters so long as Lenox Court does so in accordance with the specifications set forth under the City code; and

WHEREAS, it is desirable and in the best interests of the City to enter into an Agreement with Lenox Court setting forth the terms between the parties concerning the installation of and responsibility for water system infrastructure, including meters, within the Subdivision.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

Section 1. Lenox Court is hereby authorized to install its water meters in accordance with the specifications required under the Code of Ordinances of the City of Atlanta.

Section 2. The Mayor is authorized to execute with Lenox Court an Agreement for the non-standard location of water meters on private property located within the Subdivision upon substantially the following conditions:

- a) The Subdivision water meters and related appurtenances and infrastructure will be installed as required by City procedures and specifications, with the water meters located on private property.
- b) The "service connection" will be located at the west side of **waterline saddle tap w/valves** ("Valves"), as shown on Exhibit 1, so that the City's responsibility for the public portions of the water system includes the Valves.
- c) The City or its representatives will read each water meter at the locations indicated on Exhibit 1.
- d) Lenox Court agrees to obtain, in writings to be delivered to the City, from any residential owner, prior to water service being established: [i] an acknowledgement of the City's or its representatives' license to enter private property to read the meter; [ii] an acknowledgment that the water lines between the meter and the residence and between the meter and the Valves must be maintained by the resident or Lenox Court; [iii] an appropriate City easement for the water meter location; and [iv] an indemnification agreement indemnifying the City from all damage claims

resulting from its or its representatives' installation, maintenance and access to the meter.

Section 3. That the Commissioner of the Department of Watershed Management is authorized to accept on behalf of the City easements appropriate for the water meter locations on private property that comply with the specifications of the Department.

Section 4. That the City Attorney is authorized to prepare an Agreement with Lenox Court for this transaction, as deemed necessary and appropriate or as required by law.

Section 5. That the Agreement will not become binding upon the City and the City will not be liable or obligated under it until it has been duly executed by Lenox Court, executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Lenox Court.

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(Do Not Write Above This Line)

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NON-STANDARD LOCATION OF WATER
METERS ON PRIVATE PROPERTY LOCATED
IN THE CITY OF ATLANTA, FULTON
COUNTY, GEORGIA, TO WHICH THE CITY
PROVIDES WATER SERVICES; WAIVING
THE REQUIREMENT THAT THE CITY
SHALL INSTALL THE WATER METER, AND
AUTHORIZING LENOX COURT
HOMEOWNER'S ASSOCIATION, INC. TO
INSTALL THE WATER METERS; AND FOR
OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 4/19/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACT

☐ 2nd ☐ 1st & 2nd

Readings

☐ Consent ☐ V Vote ☐ R

CERTIFIED

MAYOR'S ACTION